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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,905	10/29/2003	Bor-Dong Cheng	2001065	9203

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06/07/2005

PRO-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

SEMBER, THOMAS M

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,905

Applicant(s)

CHENG, BOR-DONG

Examiner

Thomas M. Sember

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 3 claims a surface with electric plating layers but the specification only discloses a plating layer, nothing is disclosed about an electric plating layer.

Claim Objections

2. Claim 3 is objected to because of the following informalities:

In claim 3, line 2 "at top and bottom surface" is idiomatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Guerrier discloses a transparent strip 12 in the form of an elongate member made of a

transparent material, said transparent strip being provided at a rear side with a saw-toothed surface, and at either end with at least one lamp hole; and at least one light source 26 mounted in said lamp hole at one of two ends of said transparent strip.

Regarding claim 2, the light source comprises a light emitting diode. Regarding claims 6-8, the limitations "adapted to mount on a radiator grille of said car, a rear surface of a car and a front bumper of a car" are intended use limitations and a plurality of said transparent strips of Guerrier are capable of being mounted on these surfaces.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford et al. Ford et al discloses a transparent strip 13 in the form of an elongate member made of a transparent material, said transparent strip being provided at a rear side with a saw-toothed surface 21, and at either end with at least one lamp hole (hole in end of strip 13 next to detail 21) and at least one light source 12 mounted in said lamp hole at one of two ends of said transparent strip. Regarding claim 2, the light source comprises a light emitting diode 12. Regarding claims 6-8, the limitations "adapted to mount on a radiator grille of said car, a rear surface of a car and a front

bumper of a car" " are intended use limitations and a plurality of said transparent strips of Ford et al are capable of being mounted on these surfaces.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al in view of (Ford et al or Guerrier). Sugiyama et al discloses the claimed invention except for the teaching that a lamp hole is provided in the transparent strip for receiving light source. Sugiyama et al (particularly figure 3) teaches a top and bottom or as depicted in figure 3 (or the sides of the elongated strip, as broadly claimed by applicant a "top" and "bottom" can be in any direction because applicant hasn't established in the claim where the top and bottom are located on the strip in reference to the "rear-side" surface of the transparent strip) of a transparent strip 12 can include a reflective surface 14. At column 8, lines 39-46, Sugiyama et al further teaches the reflective surface 14 can be plated thereon. Furthermore, although Sugiyama doesn't disclose the process used for plating the material on the surface, the method of forming the device recited above is not germane to the issue of patentability of the device itself. Even though product-by-process claims are limited by and defined by the process, determination of

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patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, the limitation “electric plating” is a product by process claim and the end product “the plated surfaces” meets the limitation of “electric plating.”

(Ford et al or Guerrier) teach inserting LEDs in a transparent strip's lamp hole.

It would have been obvious to one skilled in the art at the time the invention was made to modify the transparent strip of Sugiyama et al so as to include a lamp hole as taught by (Ford et al or Guerrier) in order to prevent light loss at the strip's light incident end and to efficiently transmit light throughout the light strip.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Ford et al or Guerrier) in view of Hsu. (Ford et al or Guerrier) discloses the claimed invention except for the teaching of a connecting means comprising a threaded stub. Hsu teaches a connector 304 with a fastener hole 308 for a screw or any other type of fastener for connecting a transparent strip to an object. It would have been obvious to one skilled in the art at the time the invention was made to include the connecting means of Hsu with the transparent strip of (Ford et al or Guerrier) in order to effectively hold the transparent strip to an object.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mezei et al, Cross and McGaffigan '946 and '948 disclose light strips or rods that are similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember
Primary Examiner
Art Unit 2875
